

Decision 03-05-067 May 22, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Lorrie's Travel & Tours, Inc., a California corporation, for amendment of its certificate PSC-1003 for extension of authority to operate as a Passenger Stage Corporation between San Francisco International Airport and the City and County of San Francisco to include service from those areas of the City and County of San Francisco it currently is not authorized for on-demand door-to-door service.

Application 03-02-019
(Filed February 14, 2003)

O P I N I O N

Summary

This decision grants the application of Lorrie's Travel & Tours, Inc. (Applicant), a corporation, pursuant to Pub. Util. Code § 1031 et seq., to extend its certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant is authorized to transport passengers and their baggage as a PSC pursuant to a certificate granted originally by Decision (D.) 82-06-048, and revised by subsequent decisions. The certificate (PSC-1003) authorizes Applicant to conduct on-call service between certain points in San Francisco, on the one hand, and San Francisco (SFO) and Oakland (OAK) International Airports, on the other hand; and scheduled service between certain points in San Francisco and SFO.

Applicant requests an extension of its certificate to include all of San Francisco in its on-call service to and from SFO. The certificate currently does not authorize service to the southeast part of the city. Applicant states it needs authority to serve the entire city to meet the requirements of a "Request for Qualification" issued by SFO in connection with the airport's plan to grant new operating permits for on-demand, door-to-door services.

Fares for the requested extended service area will be the same as those now on file with the Commission in Applicant's Local Passenger Tariff No. 1-B, Second Revised Page 7.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 18, 2003. Applicant notified the affected city, airport, and transit agency.

In Resolution ALJ 176-3108 dated February 22, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3108.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant is currently authorized to operate as a PSC pursuant a certificate granted by D.82-06-048 and revised by subsequent decisions, on an on-call basis between certain points in San Francisco, on the one hand, and SFO and OAK, on

the other hand; and on a scheduled basis between certain points in San Francisco and SFO.

2. The application requests authority to extend the on-call PSC service to transport passengers and their baggage between certain additional points in San Francisco and SFO.

3. Public convenience and necessity requires the proposed service.

4. No protest to the application has been filed.

5. A public hearing is not necessary.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. Since the matter is uncontested, the decision should be effective on the date it is signed.

3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (CPCN) granted to Lorrie's Travel & Tours, Inc. (Applicant), a corporation, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage, between the points and over the routes set forth in Appendix PSC-1003 of Decision 82-06-048, is further amended by

replacing First Revised Page 5 with Second Revised Page 5, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The CPCN to operate as PSC-1003, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The Application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated May 22, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

SECTION 2. TERRITORY DESCRIPTIONS (concluded).

*4. Territory 4

Beginning in the City and County of San Francisco at the prolongation of Cesar Chavez Street and the shoreline of San Francisco Bay; then by Cesar Chavez Street to Mission Street; then by Mission Street to the San Francisco city limit; then by the city limit to the shoreline of San Francisco Bay; then by the shoreline of San Francisco Bay to the point of beginning.

SECTION 3. ROUTE DESCRIPTIONS.

ON-CALL SERVICE

*Route 1 – San Francisco/SFO

Commencing from any point or place as described in Section 2, then over the most convenient streets, expressways, and highways to San Francisco International Airport (SFO).

Route 2 – San Francisco/OAK

Commencing from any point or place in Territory 1, as described in Section 2, then over the most convenient streets, expressways, and highways to Oakland International Airport (OAK).